

**Fiscal Impact
of Illegal Immigration
on San Diego County and California**

The cost in terms of dollars to a State or Municipality, is only one aspect of illegal alien fiscal impact since the loss of a job, loss of business or a vehicle, an assault or rape, robbery of a home, increase in insurance rates, both vehicular and medical, undoubtedly doubles or triples official figures.

This report however, will deal only with those pertaining to California and San Diego Municipal costs since the others are incalculable.

The subjects covered here relate only to those areas where there is a possibility of determining actual or approximate costs attributable directly or indirectly to Illegal Aliens in San Diego such as Crime, Medical care, Welfare, Housing, Legal costs and Education.

It must be noted that these costs are being incurred at a time when The Federal Government faces a 4 TRILLION DOLLAR DEFICIT; the State of California faces a 3.6 BILLION DOLLAR DEFICIT; and San Diego faces a 60 MILLION dollar deficit.

Obviously these deficits....and all of the problems facing California and San Diego are not due to illegal immigrants. However, there can also be no doubt that the migration of well over a million illegal aliens every year, mostly uneducated and unskilled, bringing degrees of crime, disease, and human needs, adversely compound the economics of this city and this state.

It must also be noted that absolutely no racial bias is intended or implied; much of this data comes from reports which do not identify legal status and use terms such as "migrant", "indigent" or "transient".

At a time of massive Hispanic illegal immigration this lack of identification is unfortunate for it allows the researcher no way to differentiate between documented and illegal aliens.

Respectfully submitted

Audrey W. Bergner
Alliance for Border Control
June 1990

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CRIME

Under this heading, costs involving apprehension, processing, detective work, legal work, both prosecutorial and defensive, court costs, translators, jail and prison costs must all be considered. (please see "Legal" catagory)

1. Illegal aliens account for at least 20% of all Felonies (murder, rape, assault) in San Diego. Center for U.S.-Mexican Studies at UCSD.
2. 49% of Illegal Alien felony criminals are repeat offenders in S.D. Sandag Report. July 1989.
3. In just one Orange County Courtroom, during a recent study, 36% of the convicted felons (1300) - and 32% of parole violators were Illegal Aliens. Judge David Carter testifying before the Ca. Assembly Crime Hearing; June 1, 1990.
4. The cost of incarceration per criminal in SAN DIEGO JAILS per year is \$24,000. 32% of jail inmates are Hispanic. Sandag Report; 1989 pg. 51 It costs Seven. 4 Million per year just to operate the jails in S.D. per Commander John Ratele. He states that at least 14% of jail inmates are illegals thus the cost per year is: TWO, PT. FOUR MILLION per year not including cost of building jails.

The cost of incarceration in a STATE PRISON is \$20,000. per year. In 1987, there were 15,000 Illegal Aliens in the Cal. Prison System. per Rod Blonien, former head of Cal. Dept. of Corrections. THIS IS \$300 MILLION per year - not including cost of building prisons.
5. The Cost of just processing Illegals in S.D. in 1988 was FIFTEEN MILLION DOLLARS. S.D. Union Spring 1989
6. The cost of just defending one illegal alien, Jose Cinquos, who murdered two S.D. Police Officers was almost One Million Dollars. Union, Spring 1989
7. One hundred and twenty Million dollars is needed for 200 additional judges statewide. 20 to 35% of daily court caseload involves ILLEGAL ALIENS. Judge William Mudd testifying before Cal. Assembly Hearing in S.D. on June 1, 1990.

8. S. D. needs EIGHT MILLION DOLLARS for new jail space, per Norm Hickey in report to S.D. Crime Commission on Feb. 15, 1990. Each jail bed costs \$50,000; Thus if, for example, if just 180 new illegal aliens are incarcerated in S.D. this year:
the cost for their jail bed space alone is EIGHT MILLION DOLLARS.

Note: not unlikely when over a million illegals are pouring into San Diego every year considering that:

- a. Up to 70% of crimes in San Ysidro are committed by Illegal Aliens. (Sandag Report, Sept. 19, 1989)
- b. 68% of all drivers arrested for drunken driving in S.D. are Latinos. (Cal. Highway Patrol; as reported in L.A. Times 5-4-90)
- c. 98% of all aliens caught and held for return to Mexico at El Centro - have criminal backgrounds. (James Turner, Dir. of INS; Union 8-17-89)

9. The amount of Police time devoted to Illegal Alien crime is mounting daily. For example: The San Diego Sheriffs Dept. which covers all of the un-incorporated part of the county PLUS 14 cities, estimates that Forty percent of manpower time is consumed by illegals. Commander John Ratele; S.D. Sheriff Dept.

And: San Diego Police Chief Burgreen announced this week that additional Police manpower is being diverted (there are no funds for new officers) to the border because of the increase in violence due to Mexican border thieves.

10. Over 25,000 vehicles are stolen in California every year. 20,000 of them end up in Mexico where hundreds are used by Mexican police. Times and Union 5-22-90. Hundreds of others are used to smuggle Illegal Aliens into the U.S. per the INS. The cost of Police Reports; investigatory work and recovery undoubtedly amounts into the millions.
11. S.D. Coroners Office reports that: "a disproportionate number of unidentified bodies here are unidentified Illegal Aliens. As a result, the Coroners Office spends up to six months trying to identify each one: examination of personal effects; phone numbers are checked; search for information, comparison of dental and medical records, checks with Mexican authorities, etc. If not identified, person is buried at county expense or cremated and ashes scattered at sea. Cost of burial alone: \$225. S.D. Tribune June 4, 1990

Conclusion: The cost of Illegal Alien crime in San Diego and California costs the Taxpayers BILLIONS OF DOLLARS ANNUALLY.

LEGAL COSTS OF ILLEGAL ALIENS

"The California Judicial System is close to foundering"

State Supreme Court Justice Malcolm Lucas

Feb. 12, 1990

1. Deportation proceedings (against illegal aliens) often take years..."
(INS Comm. Gene McNary; Nov. 1989)
2. There has been a 600% increase in convicted imprisoned aliens nationwide since 1980. (Times 5-16-90)
3. "Criminal aliens have a tremendously adverse, paralyzing impact on our criminal justice system." (White House Official; Times 5-15-90)
4. The cost of defending indigent criminals in San Diego County in 1989 through the Public Defenders office was ELEVEN MILLION DOLLARS. (Times 5-6-90)

The cost of "Outside lawyers" for "indigent defense was FOURTEEN MILLION.
Dollars. ibid.

And....this does not include death penalty cases where the costs rise into the millions for each case. (ie: the cost of just defending Jose Cinquos in 1989 was almost One Million dollars.)

5. Illegal aliens - who break the law simply by entering our State without papers.... now cause a swelling tide of law suits: ie:
 - a. Enrique Estrada Rodriguez, a border bandit, shot at Border Patrol Officers who returned fire and killed him. (He had been arrested twice before for alien armed robbery). His family is now suing the Border Patrol. Union Dec.89
 - b. Luis Armenta Corales, another border bandit, was also killed.
His family is also suing the Border Patrol. Union, Dec. 89
 - c. Francisco Ruiz Chavez threw rocks at a border patrolman who fired in self defense. He is suing the Border Patrol for 9 MILLION DOLLARS.
Houston Chronicle; Nov. 26, 1989
 - d. Ignacio Mendez Polido pelted rocks at border Patrol officers and was shot.

He is suing the Border Patrol. ibid.

e. Julio Ortiz Soto, driving a two ton truck carrying 57 illegal aliens tried to run down a S.D. police officer who shot him. Relatives of Soto are suing the San Diego Police Dept. for \$500,000. (Union 1989)

f. Three Mexican Illegals accused two S.D. police officers of kidnapping and robbery. One illegal never appeared in court; the other two were both in jail on other convictions; admitted to many arrests; giving aliases; committing car thefts, burglary and various drug charges.

The officers were found innocent. The investigation and trial lasted eight months.

g. Manuel Florez Campo, a Mexican border thief, attacked Border Patrol officers with a large screwdriver. He was shot and is suing the Border Patrol for Nine pt. 3 MILLION dollars. L.A.Times 5-19-90

6. Illegals in Court, even if they understand English, have a Spanish speaking detective; two spanish speaking interpreters; and a Spanish speaking uniformed officer. I estimate the cost at thousands of dollars per day. Marsha Wright; Juror at a trial; Union Commentary 5-25-90

Conclusion: If one considers that thousands of illegal aliens commit crimes and are tried through the San Diego Court System every yearthat they are for the most part indigent and their defense must be provided by the people of California.....that they demand and receive special treatment not given to American citizens (translators, bi-lingual attorneys and investigators)..... the only conclusion can be that the fiscal impact of criminal illegal aliens will soon bankrupt our judicial system.

WELFARE

"Most prison inmates are not only broke when they are incarcerated but their families have to go on welfare".

Abigail van Buren Times 6-11-90

1. One hundred and thirty BILLION dollars is now spent on poverty programs by U.S.Gov.\$4000. per recipient; - \$16,000 per family of four. Union 2-25-90
2. 23% of all hispanic families in U.S. are now headed by women. Six times more likely to be poor - threaten whole stability of our society. Center for Social Policy Studies; George Wash. Univ.
3. 87,000 families are now on welfare in S.D.
A 31% increase over three years ago. (Note: during this same period, illegal immigration into S.D. increased by up to 70%).
4. 91 million dollars in ADDITIONAL funding is needed in S.D. to support families with dependant children, job training, basic literacy and child care. per Welfare Officials. Union 3-27-90
5. Six hundred and twelve MILLION dollars was approved by the House of Rep. for 1991 for day care for low income children. Budget Office calls it "irresponsible".
6. An Appalling increase in child abuse threatens to overwhelm the resources of S.D. County according to a report issued by the Grand Jury.

82,437 cases were reported in 1989 - among the highest in the nation.
Due to: LARGE TRANSIENT POPULATION. L.A. Times 6-7-90

7. Number of Children in foster homes is increasing at an alarming rate. 18,000 last year alone.
Minority children represent a "disproportionately high number of them". Report by Childrens Welfare Committee; L.A. Times 4-27-90

Conclusion: Billions of dollars will be required to subsidize Welfare recipients in SanDiego and illegal aliens, constitute a substantial proportion of them.

JOBS

The fiscal impact of illegal immigration on Welfare must also take into consideration both the numbers of Americans who are put out of work because of illegals and the economic situation in California which allows both citizens and illegals recourse to the Welfare system.

1. Illegal Aliens more than DOUBLE the jobless rate among working Americans; for every 100 Illegals employed - SIXTY FIVE U.S. workers are kept out of the job market. Prof. Donald Huddle of Rice University in a major study on Immigration. Printed in "The New American"; June 2, 1986
2. "Increasing numbers of illegal job seeking migrants threaten to drive low income Americans onto the welfare rolls and threaten the prosperity ofCalifornia". Union 1-16-90 ie:
 - a. 75% of all restaurants and hotel workers in L.A. are Hispanic. Apx. 10,000. (Note: these are waiter, busboy, cleaning, cooking and miscellaneous jobs formerly held by high school and college students as well as lower middle class heads of families). Per Restaurant Union Officials; Union 12-11-89
 - b. 93% of the manufacturing jobs held by illegal aliens could be held by unemployed Americans. and up to 71% of retail jobs held by illegals could be filled by legal residents. Conclusion: "The effect of Illegal Immigration is negative and contributes to the unemployment rate and imposes increased social costs (welfare, education, legal, police, medical, housing, unemployment benefits, etc.). A May 1980 Study prepared for S.D. County on Illegal Aliens by Community Research, Inc.
 - c. Over 1.3 MILLION "farm workers" received documentation under Amnesty; less than 15% now work in Agriculture. Wayne Cornelius; UCSD Center for Mex. American Studies.
3. At the same time as illegal immigration soars....job opportunities in Cal. are drying up as Heavy industry and large manufacturing plants relocate outside of California. ie:
 - a. 75,000 jobs in L.A. have disappeared as large manufacturing plants have relocated to other states. 75% of those workers - over 56,000 of them were Latinos. L.A. Times 5-6-90
 - b. Almost 15,000 jobs have been lost in the Aerospace industry this year

For every such job at least one other job will be lost in other industries.
Jack Kyser, L.A. Economist for the Chamber of Commerce; Union 6-6-90

c. 150,000 jobs have been lost in Construction so far this year nationwide.
Commerce Dept. Union 6-10-90 Illegal Aliens traditionally constitute a
large factor in the construction trades.

Conclusion:

Many jobs formerly held by American citizens (especially in the hotel, restaurant and construction fields) are now taken by illegal aliens who are willing to work for lower wages.

Due to the loss of some 15,000 jobs in the Aerospace industry; the resultant loss of 15,000 other jobs; and the general economic slow-down in other less-skilled fields, large numbers of legal and illegal migrants will continue to have recourse to welfare. The economic impact will be heightened by new waves of migrants arriving daily.

Fiscal impact of Illegal Immigration on Medical Care

1. In California, ONE BILLION DOLLARS A YEAR is lost to unpaid medical carewhich has been directly traced to undocumented aliens. (Rep. Bill Lowery)
2. Fraudulent Medi-Cal Applications have greatly increased; most are by residents of Mexico who give false U.S. addresses and often don't even have a true emergency condition. (California State Investigation Report; Tribune March 19, 1990)
3. The cost of medical coverage for undocumented aliens SOARED last year due to illegal aliens or Mexican residents who cross the border to get medical care and then return home. Medi Cal hopes to save TWO HUNDRED MILLION A YEAR in taxpayer money with a new investigative program. (Union 3-28-90)
4. An epidemic of Third World diseases, long conquered in the U.S. has erupted due to migrant workers: ie:
 - a. MEASLES; More than 4000 people have now been afflicted; San Diego is among hardest hit areas. One in four victims has been hospitalized. "Hard to control because of the "overrepresentation of Latino minorities" per Health Dept. One pt. Two Million dollars appropriated by Sacramento for "free" immunization shots for migrants". Union 4-22-90 to 5-11-90
 - b. WHOOPING COUGH AND POLIO epidemics could be fueled by the "current flood of unimmunized minority children into California. It's overwhelming the health care system" per Dr. James Mize and Dr. Stephen Waterman. (L.A. Times; 4-24-90)
 - c. MALERIA outbreak, brought here by migrant workers is expected by Health officials. Cal. leads the nation in Malaria outbreaks and S.D. County plays a "significant role". Chills, fever and delirium result in brain or kidney damage. (Union Feb. 20, 1990)
 - d. DIABETES is three times more likely to occur in LATINOS than among others. "One of every seven Latinos in S.D. County will develop diabetesapx. 70,000 this decade" per Dr. Antonio Linares of Scripps Hosp.
 - e. AIDS has become a high risk in Imperial County because of "the transient nature of the population across the Mexican Border". State funds of almost

\$200,000 have been granted to educate police and border patrolmen so they can protect themselves. Union 4-8-90

f. TUBERCULOSIS and AIDS epidemics in Long Beach doubled in 1989... due to immigrants, say Health Official, Dr. Marion Johnson. Asked the State for One pt. two Million to treat the soaring number of immigrants. Union 4-1-90

5. A \$92 MILLION DOLLAR expansion of Childrens Hosp. in San Diego has been started (financed by a bond issue). 45% of patients are indigents say Hosp. officials and payment comes from State. (Union 6-2-90)

6. Los Angeles faces a crisis in medical care. With the highest Hispanic population outside of Mexico City, they must provide 45,000 non-paying obstetrical deliveries this year. David Chernoff, Pres.L.A.County Med. Ass'n.

7. Almost One Million aliens documented under IRCA have no form of health insurance. Health and Welfare Agency Study; Sacramento March 1990.

8. Health insurance premiums for the average person have INCREASED BY 54% since 1987. One third of that increase is due to doctors and hospitals increasing charges to private plans to help cover the 1.8 BILLION to 3 BILLION lost every year on uninsured patients. Union 3-15-90

9. The U. S. Supreme Court ruled last week that Hospitals can now sue the State for full reimbursement of Medicaid funds. California is currently paying only 35% of bills resulting in 53% of all California hospitals losing money. Medical authorities predict that Hospitals will file suit against the State of California immediately. L.A.Times: 6-15-90

10. Eighty Border Patrol Officers were hospitalized in 1989 after being attacked by Illegal Aliens in San Diego. Houston Chronicle; Nov. 26, 1989

Conclusions:

1. Illegal aliens cost the taxpayers over a BILLION DOLLARS A YEAR in Medical care at the present time;
2. There is rampant fraud through Mexican citizens using S.D. facilities;
3. The State of California will have to raise taxes incrementally just to cover the unpaid Hospital bills; and as illegal immigration continues these costs will increase.
4. Epidemics of Third World Diseases are draining Health Care resources.

DRUGS

Note: Although the focus of this report is Fiscal,
it must be noted that

"Drug trafficking has reached epidemic proportions in California"¹
and

"Illegal immigration and drug traffic are bound together in a symbiotic relationship"²

1. California authorized TWENTY-TWO MILLION for crackdown on Cocaine traffic. (SB166). Nov. 1989
2. There are up to 4000 drug addicted babies born every year in San Diego primarily in the barrio and ghetto. The cost for treatment - per child - up to school age - is apx. \$400,000. Total apx. cost per year to S.D. County: SIXTEEN MILLION DOLLARS. (Figures from several sources including L.A. Times 6-15-90 and report on Roger Hedgecock Program Feb.26,1990).
3. TWO HUNDRED MILLION dollars per year is spent by S.D. County on drug and alcohol abusers. Charles Nares; Head of S.D. County Drug Program.

SIXTY MILLION DOLLARS was spent by Fed. Gov. in 1989 on Drug war per John Walters, Chief, Office of National Drug Control.
4. SEVEN AND A HALF MILLION DOLLARS in State funds has been allocated for drug education programs in S.D. over the next four years. Union 3-9-90
5. Illegal aliens involved in drug smuggling and distribution have become a tragic commonplace: ie:
 - a. Three Illegal Aliens were apprehended by Federal Investigators with Twenty tons of Cocaine in a warehouse in L.A.; Oct. 1989
 - b. Three more illegal Aliens were sentenced to ten years in prison for their participation in a large drug ring in L.A. Union 4-10-90

¹ Michael Wemuth, Ass't Secy of Drug Enforcement, Wash. D.C.

² Former Atty Gen. Edwin Meese

- c. Three Illegals were arrested in Escondido with Methamphetamines worth \$35,000 and 20 guns. Union 3-24-90
- d. Six Hispanics were arrested in North County after a five month investigation for manufacturing and distributions drugs valued at \$ 5 Million. Union 4-8-90
- e. Two illegal Lebanese smashed a DEA car and tried to run over an agent apprehending them on drug charges in Oceanside. Union 4-1-90
- f. Two Hispanic Illegals were sentenced to 17 years in prison for smuggling 737 lbs. of cocaine into San.Diego. Union 1989
- g. And along the border.....1100 lbs. of marijuana was dropped by two fleeing Hispanics this week (June 15th)....one of whom had a revolver;1300 pounds lbs. was discovered in a pickup truck on May 28th; 1000 pounds was brought across by illegals in "mule train fashion"; and ten duffel bags of Cocaine arrived in the same way. (INS information per Border Patrol)

Conclusion: The relationship of drugs and illegals to the costs of crime, welfare, medical care, police activities, National Guard participation, educational programs and homelessness are totally interwoven.

EDUCATION

1. The cost of educating Illegal Aliens in Los Angeles in 1988 was: **FIVE HUNDRED AND SIXTEEN MILLION DOLLARS.** (S.D.Union; Spring 89.) No figures are available for San Diego but with 95,000 KNOWN illegal residents in 1988, a conservative figure today would be apx.
2. A police patrol, costing more than **ONE HUNDRED THOUSAND DOLLARS** per year was necessary to maintain order at Sherman Elementary School (which has a primarily minority student body) in S.D. (Union 2-23-90)
3. Pres. Bush seeks Head Start funds for minority children; full funding costs: **ONE AND A HALF BILLION** for 1991. (Union 2-25-90)
4. Sacramento approved **FIFTY MILLION DOLLARS** for English classes for aliens in 1989. (SB 109). Five Million comes to San Diego.

"Billions spent on English classes for aliens has been a waste of money"
(New York Times; 5-30-90)

5. Hispanic students (many of them children of illegals) now constitute **25.6% of San Diego enrollments.** The cost per year: **\$4400.** per student. (S.D. Unified School District figures.)
6. Hundreds of Mexican children cross the border every morning to attend school in San Diego. They give a local (S.D.) address and the schools do not have the manpower to check them out. (per Teachers who must remain unidentified for fear of repercussions).
7. A "soaring" immigration rate results in **184,000 more students - per year - over the next five years.** Eighty percent are Hispanic.
Cost: **TWO BILLION DOLLARS IN NEW DEBT THIS YEAR ALONE.**
(L.A. Times 5-6-90).
a. This increased enrollment requires new schools:
Cost: **SIX BILLION DOLLARS.** L.A. Times 5-3-90

- b. 42,000 new teachers are needed by 1997 to accommodate the influx.
Cost: Apx. TWO MILLION PER YEAR. L.A.Times 5-30-90
- 8. A 2.7 MILLION DOLLAR GRANT was given by the Labor Dept. to Logan Heights and Barrio Logan in S.D. for a neighborhood program for minority children.
- 9. Large increases in Latino enrollments at Cal State L.A. (26% of which are admitted by waiving the usual entrance requirements) mean obvious academic difficulties and "hand holding". The cost of this "hand holding" (additional classes, personal tutoring, etc.) has yet to be calculated. Times 5-19-90

Conclusion: Total cost of illegal alien education in California probably reaches the Trillions.

HOUSING

1. \$30,000 in Block Grant funds will be required to offset housing waivers granted to S.D. County growers who build housing for migrant workers. Union 6-6-90
2. \$54 MILLION dollars PER YEAR has been designated to LOW COST HOUSING in S.D. This is among the most costly in the nation. Cost per couple: \$80. per year - \$4000. per business. Union 12-26-90
3. \$500,000. has been designated in S.D. for a housing and recreation hall for migrant workers. Assembly Bill 617.
4. Over ONE HUNDRED MILLION DOLLARS to be spent on low cost housing in rural areas of Cal. for farm workers and day laborers. Union 2-25-90
5. \$12.9 MILLION approved by S.D. city council for low income housing. Union 3-27-90

Conclusion: Over 68 MILLION DOLLARS WILL BE SPENT ON MIGRANT HOUSING in 1990.

These shootings have all been ruled justified by U.S. authorities a crime for killing or wounding a Mexican citizen at the border. Not once has an agent or officer ever been charged with

least 19 have died since 1984.

citizens at the border. Dozens have been shot by officers; at there's been hundreds of incidents involving Mexican

The answer? Nothing at all.

that these victims of violence have their day in court? What have local, state or federal prosecutors done to see

killing or maiming them without cause?

and U.S. Border Patrol agents or police officers are accused of But what happens when Mexican nationals are the victims

of victims as we do about the rights of the accused.

enforcement officials say we should worry as much about the rights the state's district attorneys. Politicians, prosecutors and law initiative, Proposition 115, sponsored by Senator Pete Wilson and voters just passed the so-called crime victims

BEFORE ATTORNEY AT LAW
TESTIMONY BY MARCO E. LOPEZ
THE JOINT COMMITTEE ON REFUGEE RESETTLEMENT,
INTL. MIGRATION AND COOPERATIVE DEVELOPMENT
June 22, 1990
San Diego

and the San Diego District Attorney.

There are always two sides to every story. Many shootings are, no doubt, justified. But some are not.

Listen to what happened to some of the people I represent.

*In April 1985, 12 year old Humberto Carrillo was seriously wounded when he was shot in the back by a Border Patrol agent who stood on the U.S. side protected behind a 10 foot high wire-mesh fence that divides the two nations. Humberto was well within Mexican territory.

The U.S. authorities alleged that the shooting was justified because the boy imperiled the lives of the agents by throwing rocks. Eyewitnesses testified he was not throwing rocks at the time, although he was bending over to pry loose a stone. He hoped to aid his 14-year old brother, who was being beaten by an agent while trying to get back to Mexico after crossing the border for a hamburger at a Jack-in-the-Box in San Ysidro.

After a seven day trial, federal Judge Judith Keep found the Carrillo shooting was unjustified and awarded him \$574,000 in damages. He was the first Mexican citizen in memory to win a federal court verdict against the Border Patrol for an act of violence.

*In January 1989, Martin Lopez, 21, and Sabino Silva, 24, were shot to death by agents just north of the border. Authorities

claim agents fired after the men approached them in a threatening manner. But pathologists concluded that both victims were shot in the back. Eyewitnesses say they had already been apprehended when they tried to flee back to Mexico.

*Francisco Ruiz, 22 was seriously wounded after been shot by a Border Patrol agent in March 1989. He was waiting on the Tijuana side for his pregnant wife, Evelyn, 21 who had just entered the U.S. to shop at a K-mart.

The Border Patrol forced the companions of the wife to flee back to Mexico. But she was seven months pregnant and couldn't run as fast. An agent grabbed her by the hair. He slammed her to the ground with his foot at her throat. Francisco came to her defense. He shouted at the agent "she's pregnant, don't hit her." The agent put his foot on her stomach. The husband picked up a rock, but before he could throw it, the agent shot him.

A jury acquitted Francisco of all criminal charges that were filed against him.

*Last December 7, two San Diego police officers shot 17-year old Martin Flores Campo near the border after they claimed he threatened them with a knife from a distance of 15 feet or less. The knife turned out to be a screw driver. Martin is paralyzed from the waist down.

But he was really shot in the back as he ran some distance from the officers. Reports by two Border Patrol agents

who witnessed the incident contradicted the police officer's story. They said the officers fired from the top of a concrete river levee - much farther away from Martin than 15 feet.

Police later claimed the two border patrolmen had revised their account. But the Border Patrol agents say Martin was running from the officers and was not brandishing a weapon when he was shot. A Juvenile Court judge dismissed charges that the boy brandished a deadly weapon.

The only crime most of these victims may have committed is entering the country illegally. Once, illegal entrants only feared detention and deportation if they were caught. Yet the recent upsurge in shootings means the penalty for illegal immigration can also be capital punishment.

Are the Border Patrol agents and police officers always justified? Has there never been a case when a killing or shooting was unjust?

The District Attorney even ruled that the shooting across the international border, of a 12-year old HUmberto Carrillo was justified. The U.S. district court disagreed with him.

To whom should the victims of border violence turn when they or their loved ones are gunned down without cause? It is a question I leave with the Committee.

TESTIMONY OF

DAVID J. VALLADOLID

COALITION FOR LAW & JUSTICE
SAN DIEGO, CALIFORNIA

BEFORE

CALIFORNIA LEGISLATURE
JOINT COMMITTEE ON REFUGEE
RESETTLEMENT, INTERNATIONAL
MIGRATION & COOPERATIVE DEVELOPMENT

HONORABLE ART TORRES, CHAIRMAN

ON

INTERNATIONAL MIGRATION & BORDER
REGION VIOLENCE

SAN DIEGO, CALIFORNIA

JUNE 22, 1990

Statement by
David J. Valladolid
Co-Chairman
Law & Justice Coalition
San Diego, CA

Mr. Chairman and distinguished committee members. I am David Valladolid, the Co-Chairman of the Law & Justice Coalition of San Diego. The coalition is a civil and human rights group that has actively monitored, documented and advocated against border violence and abuses in the Latino community throughout the County of San Diego. I use the word "violence" not in the retorical sense but to dramatize the real conditions that exists in the San Diego sector of the border between the United States and Mexico.

Although the use of excessive force, verbal and physical abuse can and has been documented historically along the border and in the Latino community, the past ten (10) years has seen a severe and drastic escalation of both civil and human rights violations. The violations range from verbal abuse, unlawful detentions, denial of due process, siezure of property, vehicle run overs, high speed chases, unacceptable conditions of detention and shootings ending in death or serious injury.

My colleagues this morning have or will cover specific cases but in summary the San Diego area has claimed 33 lives since 1974, with another 48 people wounded by the Border Patrol and other law enforcement bodies. Another 12 people have been run over and injured or killed by Border Patrol vehicles.

Americas Watch in a recent report criticized the U.S. Government for long ignoring the violations because of vested political, economic and geographical considerations and blasted the U. S. Border Patrol agents for "unnecessary violence" against Mexican nationals.

Border Patrol and INS continue their selective policies. Their records show that 90-95% of apprehensions are Mexican nationals, yet their own data claims that Mexican undocumented represent only 45% in the U.S. Not only Mexican nationals have suffered from abusive practices by immigration and local police officials. Legal residents and U.S. Citizens whose language, culture and skin color make them appear "foreign" are considered suspect and have had their rights violated.

Immigration officials have countered our allegations of border violence that given the millions contacted by their officers, the incidents of alleged abuse are a insignificant percentage.

The fact remains that when even just one person is abused or killed, the significance is of major proportion.

So what can be done to alleviate these intolerable conditions that have become all to common place along the border and in the Latino community?

First, let me commend this committee for holding these important hearings, for even though they may not resolve the problem, the exposure and dialogue can begin holding everyone accountable for their actions.

Lack of accountability by the numerous law enforcement agencies that currently exist on our borders; 1. INS; 2. Border Patrol, 3. Customs, 4. Border Crime Intervention Unit/SDPD, 5. National Guard, 6. DEA, 7. Operation Border Ranger II/Sheriffs Dept. and 8. Periodic Army and Marine Units; will continue to escalate the problem.

RECOMMENDATIONS

1. Support the establishment of the Bi-National Commission on Human Rights (U.S & MEXICO) to monitor and collect data on all forms of abuse.
2. Establish a Civilian Review Board to investigate and monitor the alleged cases of excessive force. IRCA 1986 Section 111(c) required a civilian oversight program at local regional and national levels.
3. De-criminalize the migration and immigration of people across the U.S. - MEXICO Border. Even though illegal entry is only a misdemeanor, the response by law enforcement in general has been excessive.
4. Joint hearings by State and Federal agencies to examine border violence and constitutional violations as they relate to immigration.
5. Investigation by the State Justice Department on the record of the San Diego District Attorney Office and their lack of prosecution of deadly force cases.
6. Joint economic development proposals between State and Federal agencies in conjunction with Mexico.
7. Require both State and Federal law enforcement agencies to produce annual records and accounts of all activities.
8. Expose and full prosecution of all vigilante groups and illegal activities along the border and in the communities.

CONCLUSION

As a free society dedicated to the concept of "liberty" we can ill afford to allow or condone these conditions along our border. An open society cannot militarize or build walls on its borders, for as it keeps some out, it also will keep many in.

The technology of our day will soon make these artificial boundaries obsolete. How we treat the most vulnerable and unprotected shall dictate our own relations for the future. If we become intolerant, insensitive and self serving, our children shall inherit a more troubled world.

James Madison in framing the U.S. Constitution addressed the issues of faction and differences between groups. He stated "there are two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every person the same opinions, the same passions and the same interests.

In conclusion, the phenomena on this border will never be resolved by enforcement. The violence and death is only a manifestation of the ill guided policies and leadership that governs today.

Its ultimately a social and economic condition that cries out for a human response.

Thank you for your time and attention.

*Return to
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TESTIMONY OF
ROBERTO L. MARTINEZ

✓ AMERICAN FRIENDS SERVICE COMMITTEE
U.S./MEXICO BORDER PROGRAM
SAN DIEGO, CALIFORNIA

BEFORE

CALIFORNIA LEGISLATURE
JOINT COMMITTEE ON REFUGEE
RESETTLEMENT, INTERNATIONAL MIGRATION
AND COOPERATIVE DEVELOPMENT

ON

INTERNATIONAL MIGRATION
AND
BORDER REGIONAL VIOLENCE

SAN DIEGO, CALIFORNIA
JUNE 22, 1990.

Mr. Chairman, distinguished members of this committee, my name is Roberto L. Martinez, I am representing the US/Mexico Border Program of the American Friends Service Committee. The AFSC has a long history and tradition of humanitarian aid, justice and human rights in the United States. Therefore, my testimony before you today is that of concern for the growing lack of respect for the rights and dignity of immigrants crossing the US/Mexico border.

The border between San Diego and Tijuana has recently been the scene of escalating violence by border bandits, vigilante type groups, and individuals such as the one originally accused of shooting to death 12 year old Emilio Jimenez-Bejinez, a few weeks ago, and further north migrant workers are coming under increasing attacks by gangs of armed youths using guns and war game type paint pellet guns. I would ask you to refer to the testimony submitted to the House Subcommittee on Human Rights and International Organizations of the Foreign Affairs Committee on April 18th of this year, which specifically addressed human rights on the US/Mexico border and which I include today as part of my written testimony.

The reality is that these are no longer ordinary bandits we are dealing with, but crimes often motivated by racism and hatred. Although we acknowledge that some of the crime is committed by Mexican Nationals, we can no longer be certain whether any given crime is committed by Mexican Nationals or US gangs.

It has been no less chilling to learn this week that the Chief of Police in San Diego, Bob Burgreen, has announced his intention to send a SWAT Unit known as the Special Response Team, to back up the Border Crime Intervention Unit, already patrolling the border, as well as provide back up for the USBP. Even more chilling, was his announcement in Tijuana that "People are going to be shot, now, the only question is who."

These crimes, the rising gang activity in North County, the tragic number of migrants being run over on our freeways each year, the growing tension building against migrant workers in San Diego County, should all be of extreme concern to the State of California as well as to the City of San Diego. Because, contrary to what Mayor O'Connor says, this is the City of San Diego's problem, as well as a State of California and Federal problem. But most importantly, it is a binational issue that must be addressed bilaterally, especially since there are Mexican Nationals dying on our border, our freeways and in our fields.

The rising tide of racially motivated crime in San Diego County has recently been aggravated and intensified as a result of irresponsible groups and individuals who believe that lighting up the border is a solution to such a complex issue as international migration. Racial tensions, we believe, will be further intensified by deployment of a local police swat team to the border, and by the reckless statements of local officials.

Therefore, our recommendation is to propose the formation of a Binational

Commission for the Southern California and Baja California Norte regions. Its function would be to search for alternatives that can reduce abuse and tensions while enhancing human dignity and respect for law. It would also address issues such as the use of deadly force by border law enforcement agencies, violence against immigrants by individuals and organized groups, and the increased number of freeway deaths that are occurring in the county.

It should be understood that we believe that the first to respect the law should be those government bodies that enforce it. It is in recognizing the significance of protecting Human Rights that we stand not only for law and order, but most importantly for justice.

In the final analysis, there is a profound sense of urgency in reaching adequate solutions to the complex problems facing this region, because with every day that passes, more people die. The problem is very clear; we now need to arrive at concrete and tangible bilateral solutions. This is why it is important that steps be taken immediately to form this commission. By doing so, we can make Southern California and Baja California Norte a model of international understanding and cooperation for the benefit of people and communities on both sides of the border.



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American Friends Service Committee
U.S./ MEXICO BORDER PROGRAM

PARTIAL

FACT SHEET ON BORDER DEADLY FORCE CASES
ON THE CALIFORNIA/ BAJA CALIFORNIA BORDER

DATE	NAME	COMPLAINT	AGENCY
July, 1974	Unidentified	shot and wounded	Border Patrol
Jan. 1979	(2) Unidentified men	1 killed 1 wounded	Border Patrol
Dec. 1982	Ramon Garcia	Shot and wounded	Border Patrol
Dec. 1984	Ricardo Gastellum Almeida	Shot and wounded	Border Patrol
April 1985	Umberto Estrada Carrillo	Shot and wounded	Border Patrol
Jan. 1986	Jose Luis Moreno Sanchez	Shot and killed	Border Patrol
May 1986	Steven Bernal	Shot and killed	Border Patrol
June 1986	Unidentified 16 year boy	Shot and wounded	Border Patrol
Aug. 1986	Unidentified	Shot and wounded	BCPU *
Aug. 1986	Apolinar Niebles Cervantes	Shot and killed	Border Patrol
Aug. 1986	Unidentified	Shot and killed	Border Patrol
June 1987	Unidentified	Shot and killed	Border Patrol
Aug. 1987	Juan Resendez Hernandez	Shot and killed	Border Patrol
Aug. 1987	David Medina Becerra	Shot and wounded	Border Patrol
Dec. 1987	(2) unidentified men	Shot and killed	BCPU *
Dec. 1987	Unidentified	Shot and killed	BCPU *
Dec. 1987	Ignacio Mendez Pullido	Shot and wounded	Border Patrol
Jan. 1988	(3) Unidentified men	2 killed 1 wounded	BCPU *
Jan. 1988	Luis Fernandez Bonilla	Shot and wounded	Border Patrol
March 1988	Rafael Alejandro Sanchez	Shot and killed	BCPU *
Aug. 1988	Julio Mendoza Diaz	Shot and wounded	Border Patrol
Sept. 1988	Gerardo Murrillo Garcia	Shot and wounded	Border Patrol
Oct. 1988	Unidentified	Shot and killed	Border Patrol
Dec. 1988	Luis Enrique Armenta	Shot and killed	BCPU *
	Enrique Estrada R.	Shot and killed	BCPU *
	(2) unidentified men	Shot and wounded	BCPU *
Jan. 1989	Sabino Silva Chavez	Shot and killed	BCPU *
	Jose Martin Lopez	Shot and killed	BCPU *
	(2) unidentified men	Shot and wounded	BCPU *



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DATE	NAME	COMPLAINT	AGENCY
March 1989	Francisco Ruiz Chavez	Shot and wounded	Border Patrol
Aug. 1989	Luis Eduardo Hernandez	Run over and killed	Border Patrol
Aug. 1989	Pedro Garcia Sanchez	Shot and wounded	Border Patrol
Dec. 1989	Manuel Martin Flores	Shot and wounded	Border Patrol
Dec. 1989	(2) Unidentified men	Shot and killed	Border Patrol

* BCPU: BORDER CRIME PREVENTION UNIT - U.S. BORDER PATROL & SAN DIEGO POLICE
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**FACT SHEET ON HATE CRIMES
AND VIOLENCE AGAINST MIGRANT WORKERS
IN SAN DIEGO COUNTY**

DATE:	LOCATION	INCIDENT
1979	CARLSBAD, CA	GANG SHOOTS/ INJURES MIGRANT WORKERS IN CAMP
1980	ESCONDIDO, CA	REPORTS OF ASSAULTS ON MIGRANT WORKERS BY LAW ENFORCEMENT AND GANGS BEGIN COMING IN
1981	DEL MAR, CA	MEXICAN MAN BEATEN TO DEATH
1982	ESCONDIDO, CA	MIGRANT WORKER BEATEN SEVERELY BY GANG IN TRUCK
1983(Feb)	OCEANSIDE, CA	<ul style="list-style-type: none">- PABLO MARTINEZ TOLEDO AND RAUL MEJIA GARCIA SHOT KILLED BY THREE WHITE YOUTHS- 16 YEAR OLD MIGRANT WORKER SHOT/ WOUNDED IN PARK
1984	FALLBROOK, CA	SIX U.S. MARINES CONDUCT " BEANER RAIDS " (ARMED) ATTACKS ON MEXICAN MIGRANT WORKERS IN THEIR CAVES
1985	FALLBROOK, CA	SNIPER SHOOTS/ WOUNDS 17 YEAR OLD MIGRANT IN BACK PARALYZING HIM FROM WAIST DOWN
1986(Nov)	ENCINITAS, CA	<ul style="list-style-type: none">- THREE 17 YEAR OLD WHITE YOUTHS ARRESTED IN SNIPER SHOOTINGS OF MIGRANT WORKERS- SEVEN UNDOCUMENTED PEOPLE SHOT BY UNIDENT. ASSAILANTS ON FREEWAY
1987	NORTH S.D. COUNTY	UNIDENTIFIED BODIES OF MIGRANT WORKERS - VICTIMS OF VIOLENCE - BEGIN TO APPEAR THROUGHOUT NORTH CTY.
1988(Nov)	DEL MAR, CA	KILLING OF TWO MIGRANT WORKERS BY TWO SELF-PROCLAIMED WHITE SUPREMISTS VICTIMS: HILARIO SALGADO CASTANEDA AND MATILDE DE LA SANCH
1989(Oct)	POWAY, CA	<ul style="list-style-type: none">- GANGS OF WHITE TEENS ATTACK AND SHOOT (14) MIGRANT WORKERS WITH GUNS AND PAINT PELLETS.
	ENCINITAS, CA	<ul style="list-style-type: none">- TWO BORDER PATROL AGENTS SHOOT AT, DETAIN, AND BEAT MIGRANT WORKER
1990	CARLSBAD, CA	<ul style="list-style-type: none">- TWO STORE OWNERS BEAT, HANDCUFF AND KIDNAP MIGRANT
	BORDER	<ul style="list-style-type: none">- 12 YEAR OLD EMILIO JIMENEZ SHOT/ KILLED BY INDIV.
	CARLSBAD/ VISTA	<ul style="list-style-type: none">- ASSAULTS/ ROBBERIES CONTINUE ON MIGRANT WORKERS
	CHULA VISTA, CA	<ul style="list-style-type: none">- BORDER PATROL AGENT SHOOTS INTO VAN FILLED WITH SALVADORANS, WOUNDING TWO
	VISTA, CA	<ul style="list-style-type: none">- SERGIO MENDEZ, FARM WORKER SHOT IN FACE BY PAINT PELLET FIRED IN DRIVE BY SHOOTING

